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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,820

12/13/2003

Mark Miller

2003P13576US

2219

7590

11/02/2005

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

PRESTON, ERIK D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/734,820

Applicant(s)

MILLER, MARK

Examiner

Erik D. Preston

Art Unit

2834

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 17--20 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/29/2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 15 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Butman et al. (US 4385252).

With respect to claim 14, Butman teaches a wedge pre-shaped for use in a generator comprising: An outer-formed frame (Fig. 5, #60); an inner layer, wherein said inner layer comprises at least one stiff sheet material (Fig. 3, #36; which is inherently stiff since it is wrapped around a stiff "P" bar); and a felt material (Fig. 5, #84) mounted on at least one side of said inner layer; wherein said felt material is saturated with a resin; wherein said inner layer is shaped to fit in a lateral gap within said outer formed frame; wherein said outer formed frame makes up a bulk of said wedge.

With respect to claim 15, Butman teaches the wedge of claim 14, wherein said inner layer traverses a limited portion of said outer-formed frame.

With respect to claim 19, Butman teaches the wedge of claim 14, wherein said felt material comprises polyester (Col. 4, Lines 28-32).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Butman et al. (US 4385252). Butman teaches the wedge of claim 14 wherein the resin is a thermosetting resin, but it does not teach it being specifically one of epoxy thermosets, polyester thermosets, phenolic thermosets, acrylic thermo sets, or mixtures thereof. However, all of the above thermosets were well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use one of epoxy thermosets, polyester thermosets, phenolic thermosets, acrylic thermo sets, or mixtures thereof in the invention as taught by Butman because they are all commonly used thermosetting resins in the art that are would have been widely available.

Claims 17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman et al. (US 4385252) in view of Miler (US 6486575). Butman teaches the wedge of claim 14, but it does not teach the outer-formed frame, or the stiff sheet material

being comprised of either a glass material or a resinous glass material. However, Miller teaches a reinforcement material made of glass and mineral filler (Abstract). It would have been obvious at the time of the invention to modify the wedges of Ward in view of the reinforcing material as taught by Miler because it is a low cost insulator that is capable of withstanding temperatures that can range from  $-10^{\circ}$  to about  $140^{\circ}$  C (Miler, Col. 2, Lines 22-46).

***Allowable Subject Matter***

Claims 1-13 are allowed.

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 1 & 2, while prior art does teach the rest of the material included in these claims, it does not teach said outer-formed frame making up a bulk of said wedge wherein said outer form frame is forced into abutments by the insertion of said inner layer.

With respect to claim 16, while prior art does teach the rest of the material in the claim, it does not teach the lateral gap bisecting the outer-formed frame.

Claims 3-13 are dependent upon the above claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-6,9-12,14-16,19 & 20 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

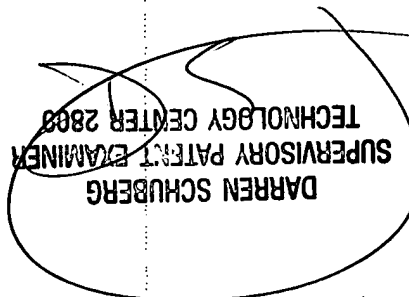
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3745395; US 4239998, US 4439701, US 4774429 & DE 2153958.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is 571-272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
10/18/2005

  
DARREN SCHUBERG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800